

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 428 OF 1987

The Board of Trustees of the
Port of Bombay ... Plaintiff

VS.

Madhu Snap Fasteners Mfg. Co. P.Ltd. . . Defendant

Mr. U. J. Makhija i/b. Mulla & Mulla for Plaintiff.

Mr. Harshad Mehta i/b. Ketan Parekh for Defendant

CORAM: **D.G. KARNIK J.**

DATE: 7/7/2006

P.C.

1. Heard learned counsel for the Plaintiff and the defendant.
The defendant has not filed the written statement for nearly 20years. Learned counsel for the defendant orally prays for time to file written statement.
2. In view of the the decision of the Supreme Court rendered in Kailash vs. Nanhku and ors. reported in 2005 (2) Mh. L. J. 775 the oral request should not be entertained in the absence of facts sworn on affidavit.
3. The suit is a simple money suit. In the absence of the written

statement the averments made in the plaint are deemed to be admitted. I am therefore inclined to exercise my jurisdiction under Order 8 Rule 5(2) read with Order 8 Rule 10 of C.P.C. The suit of the Plaintiff is decreed in terms of prayer clause (a).

(D.G. KARNIK J.)